

1 Rene L. Valladares
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 *Alicia R. Intriago
5 Assistant Federal Public Defender
6 California State Bar No. 320102
7 411 E. Bonneville Ave., Ste. 250
8 Las Vegas, Nevada 89101
9 (702) 388-6577
10 Alicia_Intriago@fd.org
11

12 *Attorney for Petitioner Allen Heusner

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 Allen Heusner,
16 Petitioner,
17 v.
18 Dwight Neven, *et al.*,
19 Respondents.

20 Case No. 2:14-cv-01119-RFB-GWF

21 **Unopposed motion for extension of**
22 **time to file opposition to**
23 **Respondents' Motion to Dismiss**
24 **(First Request)**
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POINTS AND AUTHORITIES

Petitioner Allen Heusner initiated this federal habeas action on July 9, 2014. ECF No. 1-1. The Federal Public Defender's office appeared on behalf of Heusner on October 26, 2018, and filed a second amended petition on May 8, 2019. ECF Nos. 31, 44. On May 24, 2019, this Court stayed federal proceedings for Heusner to exhaust state court remedies on a claim brought under the U.S. Supreme Court's recent decision in *McCoy v. Louisiana*, 138 S. Ct. 1500 (2018). ECF No. 47.

The undersigned attorney filed her notice of appearance on May 20, 2020. ECF No. 51. She filed a motion to reopen federal proceedings that same day. ECF No. 55. This Court officially re-opened federal proceedings on July 6, 2021. ECF No. 55. Respondents filed a motion to dismiss Heusner's second amended petition for writ of habeas corpus on January 25, 2022. ECF No. 69. Heusner's opposition to the motion to dismiss is currently due February 7, 2022.

Heusner respectfully asks this Court to enter an order extending the deadline to file his opposition to Respondents' Motion to Dismiss by 14 days from February 7, 2022, until Tuesday, February 22, 2022.¹

This is Heusner's first request for an extension of this deadline.

The undersigned attorney contacted opposing counsel, Deputy Attorney General Katrina Samuels, on February 4, 2022, who did not object to this request for an extension of time. Her lack of objection should not be construed as agreeing with the accuracy of the representations in this motion.

Counsel has begun working on the opposition. However, due to counsel's recent schedule she needs additional time to complete it. In addition to the opposition, counsel is also currently working on an amended petition in *Herndon v. Neven*, No.

¹ Technically 14 days falls on Monday, February 21, 2022, which is a federal holiday. Accordingly, the filing deadline falls the following day.

1 3:20-cv-00489-MMD-CLB (D. Nev.), due February 9, 2022, and an application for a
2 certificate of appealability due February 17, 2022, in *Gallegos v. Baca*, No. 21-16612
3 (9th Cir.).

4 Accordingly, counsel respectfully requests this Court grant the request for an
5 extension of time to file the opposition to Respondents' Motion to Dismiss in order for
6 the effective and thorough representation of Petitioner Heusner in his federal habeas
7 action.

8 Dated February 7, 2022.

9 Respectfully submitted,

10 Rene L. Valladares
11 Federal Public Defender

12 /s/ *Alicia R. Intriago*

13 _____
14 Alicia R. Intriago
15 Assistant Federal Public Defender

16 It is so ordered:

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20 **RICHARD E. BOULWARE, II**
21 **United States District Court**

22 DATED this 8th day of February, 2022.
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